

CLINTON COUNTY BOARD MEETING

July 17, 2012 – 7:00pm

Ray Kloeckner, Chairman

Robert Fix, Vice Chairman

1. OPENING PRAYER AND PLEDGE OF ALLEGIANCE

An Opening Prayer and the Pledge of Allegiance were recited.

2. CALL TO ORDER

Sheriff Kreke called the meeting of the Clinton County District Board to order at 7:00pm on July 17, 2012.

3. ROLL CALL OF MEMBERS

Present: Adams, Albers, Fix, Heiligenstein, Holtgrave, Kloeckner, Michael, Pingsterhaus, Rakers, Raymond, Richter, Simpson, Sullivan, Taylor and Wessel.

4. APPROVAL OF MINUTES

Holtgrave made a motion to approve the minutes of the June 18, 2012 meeting. Rakers seconded the motion. Motion Carried.

5. REPORTS AND COMMUNICATIONS

Chuck Zalar introduced himself as acting states attorney for the purpose of a zoning matter.

6. PUBLIC MAY APPROACH THE BOARD

- a. Mary Grapperhaus from the Humane Society spoke to the board about the issue of the canine behavior evaluation in the kennel. She said after speaking at the May 21st county board meeting she left it with the insurance committee to speak with their insurance representative. Now the Humane Society Evaluation Team would like to know if the Animal Control Committee has re-considered and will now allow access to the kennels. They currently have such access in other counties such as Washington, St. Clair, Marion and the City of Alton. Grapperhaus wanted an explanation to the Clinton County Humane Society members if access has been denied. Taylor explained that there are outside kennels where the animals are housed outside after 8a.m. that are covered. Taylor said they are more than welcome to come out or call him to meet them there. They can do their evaluations, look around and walk any pet, but as far as going inside the insurance carrier still suggests that no one be permitted inside the kennel area. The holding area, where animals may have rabies, can be on police hold or have another issue, and must be kept away from other animals. Every Monday the Humane society is emailed a complete listing along with photos every pet that is available for adoption. Grapperhaus said that is not the case and not every animal is not on the list. Chairman Kloeckner asked if they are saying they are not receiving the emails. Laura, from the Humane Society, said about a month ago there were designer dogs dropped off at the Animal Control and they never received an email about them, yet other rescue groups did. Laura said most of the dogs they receive are bullies, beagles and labs, which are considered the disposable

dogs in the area. But when the breeders dump their dogs there, these are dogs the breeder couldn't sell, those emails are going to the exclusive rescue groups that Don wants to work with. Laura said she has been shown emails from other rescue groups. Taylor said they are under the understanding that all pictures are being forwarded to the Humane Society and will check into it.

7. REPORTS FROM ELECTED AND APPOINTED OFFICIALS

- a. MOTION – Approval of Election Judge List 2012-2014
Sullivan made a motion to approve the list. Heiligenstein seconded the motion. Motion Carried.

8. STANDING COMMITTEES

Chairman Kloeckner reports he is vacating the chair of the meeting due to the upcoming discussion involving his property. He requests Vice Chairman, Fix; to chair the meeting until the discussion is completed.

- a. Zoning Committee – Keith Richter

- 1. Zoning Report – Joyce Lucas

- a. MOTION - Ordinance 2012-07-26 Beckmann Map Amendment. Holtgrave made a motion for a roll call vote. Richter seconded the motion. Adams (Yes); Albers (Yes); Fix (Abstain); Heiligenstein (Yes); Holtgrave (Yes); Laws (Yes); Michael (Yes); Rakers (Yes); Raymond (Yes); Richter (Yes); Simpson (Yes); Sullivan (Yes); Taylor (Yes); Wessel (Yes); Kloeckner (Absent).

- b. Henry Bergmann approached the board about Heartland Estates. He is representing Ken Kuhl and Kevin Whalen who have filed a request to rezone property. Some of the property is owned by the county board chairman. There was a zoning hearing last year in which the property was rezoned R-1. Bergmann filed a zoning map request change for his clients asking that the property be zoned to A-R. Bergmann said there are two issues. One issue is that under zoning code it is improper to rezone this property R-1 if there is not going to be sanitary sewers made available. The other issue is he believes the entire process of the original zoning should be voided because the county board chairman did not step down as county board chairman. Essentially Bergmann stated Kloeckner has exerted influence over the whole process due to being a county official who has authority over county officials dealing with zoning. He is the county board chairman and has authority over various county board members. Bergmann stated that anyone going to take action on this knows that the county board chairman could take adverse action to either their job and/or their position. Bergmann said he submitted and argued to everyone that the proper thing for the chairman to do would have been to step down. The chairman wants the county board to take action for his benefit. He had a lot of options.

He could resign as county board chairman amongst a lot of other of other things. Bergmann declared the fact that he did none of that and still had his property rezoned was improper. Bergmann said he filed another application for his clients to give the board an opportunity to remedy that problem. Bergmann said since that time, it had come to his attention that shortly after the board rezoned property that the county board chairman had a plat of survey recorded in the county clerk's office, which he believed was an illegal plat of survey. Bergmann said he has the recorded survey to the attention of the State's Attorney and advised him that he believed it is required under law to take appropriate action. Bergmann said this shows an employee of the county, the zoning administrator, signing off on a plat of survey which he believed was clearly illegal and it was recorded. Another point from Bergmann, when the zoning application was filed, the zoning administrator refused to file it. Bergmann said as a county board member, you should not be under some restraint in exercising what you think is the right thing to do because the county board chairman exercises some control over you. Bergmann urged the board to rezone the property AR. Bergmann said he sent all the board members documents regarding this argument and wanted everyone to look at this from the public's perception of having a county board chairman getting things done by the county board that benefit him. He argued the citizens of this county and his clients should have the right to an impartial body to make decisions about land. He believed there was no impartial body because the county board chairman did not do what he was supposed to do. Bergmann said this does not prohibit the county board chairman to do what he should have done in the first place, which is step down before he took any action. Bergmann asked the board to rezone the property AR so the appropriate actions can be made and he can reapply in the proper manner.

c. Joe Kehrer or Representative with Heartland Estates did not appear before the board.

d. Stan Brandmeyer, the attorney for Ray Kloeckner with Heartland Estates approached the board. He said a lot of what Bergmann was talking about was a lot of talking about apples compared to oranges; things that do not apply. The original hearing that took place in April 2011 was heard by the Zoning Board of Appeals and was granted with a unanimous vote. It then came before this board; which the board approved. Brandmeyer said the unusual concept of this is how one neighbor can try to seek the rezoning of another person's property. The way this whole process unfolded is Ray

Kloeckner's property has been subject to rezoning essentially twice. Once by him and once by his neighbor because his neighbor didn't like it. Brandmeyer stated that Mr. Bergmann talked about things that are incumbent upon elected officials and what they should do and what would be fair, the air of impropriety and things of that nature. Brandmeyer said what the law does not do is require greater restrictions on people because they are an elected official. Brandmeyer said Mr. Bergmann is suggesting by hyperbole and such but not by specific instances. He is trying to make a case to suggest there is some sort of undue influence here. Brandmeyer stated Kloeckner was present at open meetings and steps down when appropriate. He does not have to step down until the property is rezoned. Brandmeyer stated if Kloeckner would have lost his job in April 2011 only to somehow try and regain it once the property was somehow rezoned by his neighbor is a ludicrous suggestion for him to have to do something like that. Mr. Bergmann has written you a letter and said there was a violation of the plat act. Brandmeyer said he looked at the plat act and Kloeckner did everything he was supposed to do. He did convey 2 pieces of property in excess of 5 acres, which is the threshold point of the plat act. His own particular piece of property stayed in his ownership. Also searching the plat act Brandmeyer searched for penalties for violating the plat act and said the best he could tell was that it was a petty offense and a \$25 fine. Brandmeyer asked if that was the type of thing that a man's property should be rezoned over. Brandmeyer said it is ridiculous to suggest that first of all it happened and secondly to prove it. There is no proof about anything. It is just a suggestion. Ray Kloeckner had his property approved by zoning board of appeals and this board heard that appeal and approved it twice now. Brandmeyer said that is more than anybody could ever ask. Brandmeyer stated the original application looks for things that are completely irrelevant. It talks about sewers while this piece of property butts up against a subdivision in Albers that doesn't have sewers. Brandmeyer stated in order for Ray Kloeckner to comply with the request of the petitioners he would have to ask for an easement to go across the land of people that don't even have sewers. Brandmeyer said the ordinance argued at the zoning board of appeals hearing was written by Mr. Bergmann and his office when he was state's attorney. This ordinance does not require sewers for this type of property before it can be zoned R-1. Brandmeyer claimed all of this is just chasing the wind right now and has gotten way too far and it is time for the board to do it again and to deny the request and approve the zoning board's recommendation.

Heiligenstein said he would like to ask Mr. Zalar, who was hired by the State's Attorney's office, a question. Mr. Zalar said he is with the appellate prosecutor's office. Every year, the county appropriates money to the state's attorney to hire them to do primarily appellate briefs. A group handles trial work. Mr. Zalar said most of them are old retired state's attorneys. Mr. Zalar said he is the one with the most experience in zoning and subdivision and is here to advise the state's attorneys and county officials when appropriate. Mr. Zalar stated his office has been appointed by the court to defend the county in a mandamus act that Henry filed back when Joyce didn't think they were entitled to a hearing. Mr. Zalar said Mr. Bergmann agreed to dismiss the petition for mandamus of the courts. Joyce set this on the agenda for the zoning board of appeals to hear the matter and that is how we get to where we are at today.

MOTION –Kuhl/Whalen Map Amendment

Sullivan made a motion to approve the decision of the zoning board of appeals and deny the request made by Kuhl/Whalen. Rakers second the motion.

Adams (Yes); Albers (Yes); Heiligenstein (Yes); Holtgrave (Yes); Laws (Yes); Michael (Yes); Rakers (Yes); Raymond (Abstain); Richter (Yes); Simpson (Yes); Sullivan (Yes); Taylor (Yes); Wessel (Yes); Kloeckner (Absent).

Request by Kuhl/Whalen was denied. 12 (Yes)- 1(Abstain).

Vice Chairman, Fix, vacates the chair of the meeting and Kloeckner returns to chair the remainder of the meeting.

b. Economic Development/Tourism Committee

Rakers said there is a meeting in Lebanon on bypass around Lebanon. If anyone wants to come it is at the City Hall in Lebanon on August 6th at 7:30pm.

c. Unincorporated/Environmental Concerns/Solid Waste

No Report.

d. Facilities Committee

The committee met on July 5th. The committee is still looking at some security issues with the courthouse. They have come up with some landscaping ideas for security. The next meeting is on August 2nd. Fix thanked the department heads that are requiring their office to wear their IDs. It will probably be talked about again.

e. Finance/Health/Revolving Loan Committee

Clinton County Treasurer, Denise Trame, reported there was an oil check collected for \$28,113.27. The next meeting is on August 8th at 6:00pm.

1. MOTION - Treasurer's Monthly Report

Taylor made a motion to approve the monthly Treasurer's report. Rakers seconded the motion. Motion Carried.

2. MOTION - Health Department Monthly Report

Fix made a motion to approve the monthly health department's report. Holtgrave seconded the motion. Motion Carried.

f. General Services/Judiciary Committee

No Report.

g. Law Enforcement/EMA/Welfare/Safety/Liquor

1. MOTION - Ordinance 2012-07-27 Regulating The Use Of Gambling Devices In Clinton County.

Sullivan made a motion to approve the ordinance. Holtgrave seconded the motion. Motion Carried.

2. Sherriff Kreke asked the board to please consider giving the part time people a raise. They have not received a raise in 3 years. Taylor mentioned that animal control has not had a raise either.

h. Road and Bridge Committee

1. County Engineer, Dan Behrens, gave his monthly report. He got a letter back on June 14th confirming that we are going to receive \$1.1 million for the replacement of the Shoal Creek Bridge; which is 80% of the project. We will have to come up with the other 20%. Because the project is on a township road we can use township bridge money to come up with another 80 % of that 20%. The county and Breese township will end up splitting the rest of the money. This is probably the last bridge that we will be eligible for bridge funding since it has to be a million dollar project. We had to compete against all the other counties in the state. Breese township is behind this too. They can come up with their portion of the match for this. The bridge is a one lane bridge east of Rod and Gun. The resurfacing project on Hoffman and Hoyleton Road has been awarded by the state. The tentative start date is 24th of this month.

9. SPECIAL COMMITTEES

a. Insurance Committee/Insurance Trust (ICIT)

The committee met on July 9th at 6:30pm. A comparison of the past 6 contract years we have averaged \$74,000 a month in claims and fees. This

last June the claims and fees were at \$107,000. There was quite an increase in past 2 months. The last two months was a total of \$193,000; an average of \$95,000 a month. The last 3 months have run April \$94,000; May \$86,000 and June \$107,000. This is an abnormal spike. The county budget line item without reimbursements is \$67,000 over budget or 6.23% over budget. With reimbursements we are \$82,000, or 7.61% under budget. Fund 025 and 016 are the same as last month. The ICIT committee wishes to commend the County Clerk's office and all departments of the county for submitting to ICIT the 7 reports they requested for renewal of liability coverage. Out of the 6 counties that belong, we are the only county which has all reports to them. ICIT 09 has only 1 property damage claim and 4 workman comp claims open. There are no new claims reported. The next meeting is tomorrow at 9am at the Four Points Sheraton in Fairview Heights.

- b. Area Agency on Aging/708 Mental Health Board
Sullivan informed the board there is a meeting on July 24th.
- c. Assessment Committee
 - 1. MOTION - Adjournment of the 2011 Board of Review
Taylor made a motion to adjourn the 2011 Board of Review.
Wessel seconded the motion. Motion Carried.
 - 2. Taylor gave his monthly report. June had 59 property transfers; in June 2011 there were 76. PTAB appeals for 2008 there are 2 waiting on a decision. 2009 PTAB appeals received 2 decisions and one waiting for a decision. 2010 PTAB appeals have 2 with evidence submitted and one received final market value which is a \$6808.00 reduction. There were 976 complaints and 11 proposals for a total of 987 properties that went through the board of review. The next meeting is August 1st at 6:30pm.
- d. County Farm Committee
We had a meeting with Doc Bretz, who was interested in purchasing 1 acre. He is also interested in leasing a small corner of the County Farm that was set aside for a possible roadway for the future. The committee agreed to give him a price for the lease of the property. The property would be used for overflow parking. The County would be able to take the property back at any time if there was a need for a road way. The committee discussed the inside of the kennels which is extremely slick. The animals are released at 8am and brought to their outside individual kennels. The staff then sanitizes the interior kennels. The point would be the negligence of the county by not being able to fix it good enough for people to go back there. The building itself was slated to be torn down 20 years ago. At that time the industrial park was built the building sets in the middle of the roadway there is actually water and sewer on one side and electricity on the other. Therefore it would probably be a waste of money to do much improvement at this time. The staff is maintaining the building and it seems to be doing alright and meeting our

needs. We have our outside kennels that people can come out there and use a leash and walk and interact with the dog. If an animal does not work out for a person they are more than welcome to bring the animal back. We try our best with the Humane Society to meet their needs. I have offered to meet them out there. I have showed up at their meet and greets to try and talk with them. We have done our best. They are getting animals from outside the county and we are sending animals outside the county so it is almost a wash. Chairman Kloeckner asked if the Humane Society is notified first or at the same time as the rest of the agencies. Taylor said the Humane Society gets a 1-2 day lead time on the emails. Chairman Kloeckner asked what percentage of pets are returned to the County. Taylor said it is very small and very few are returned. Chairman Kloeckner asked why Ms. Grapperhaus is claiming they are not getting all the pictures of the animals available. Tony Kleibocher from animal control thought maybe if the Humane Society watched through the fence on off hours the weekend they may see animals that are not pictured on Monday. Some animals are on police hold or dogs that are lost and found which must be held for 7 days for the original owner to claim. Adams thought maybe she did not understand that not all dogs are adoptable. Some are aggressive and have issues and are not put in the outside kennels. Don is working with the health department on the emergency response plan in case there is a major disaster on how to take care of pets that may be displaced at that time. Don is also working on a plan for when the animal disease control lab is closed down. He will need a way to get animals checked out to see if they have rabies or other diseases. Michael said the insurance carrier recommends that we do not open those interior kennels. We owe it to the Clinton County tax payers to not allow someone back there and then they get hurt. Sullivan said he has received complaints with people being confused as to whether the Clinton County Board and the Clinton County Humane Society are the same thing. He believes people are confused in thinking the Board has any regulation of the Humane Society. They do not.

- e. County Health
No Report.

- f. Education Committee

Albers reported the Regional Office of Education covers Clinton, Marion and Washington County schools. They provide certification services for over 1300 teachers and administrators. The Preschool for All Program provided an early childhood education program for 401 at-risk children. GED services were provided to 254 applicants. Certificates were issued to 131 patrons. Other services they provide are integrated technology in the classroom, bus driving training, fingerprinting services, substitute teacher listing, work permits and other duties to support all 3 counties.

- 1. MOTION- Regional Superintendent of Schools Report

- Albers made a motion to approve the report. Wessel seconded the motion. Motion Carried.

- g. GIS Committee
The committee reviewed older images from the 30's and how things have changed over years. The next meeting is August 6th at 5:30pm
- h. 911 Committee
The committee met on July 11th at 7:00pm. The new Trenton tower site is up and running and going well. We are also working on a contract with State of Illinois and the aerial color imagery. It is currently in the State's Attorneys office waiting for approval. The 911 annual conference will be held in Springfield this year on October 21st. The next meeting will be August 8th at 7:00pm.
- i. Personnel/Labor Committee
 - 1) Heiligenstein asks to move into executive session at the end of meeting to discuss status of collective bargaining matters between county and its employees and representatives.
 - 2) Colleen Harper, a union steward for the courthouse employees, was not in attendance to speak with the board.
- j. RC&D Council
No Report.
- k. UCCI
The next meeting is this coming weekend.
- l. Veterans Committee
No Report.

10. APPROVAL OF ACCOUNTS PAYABLE

Taylor made a motion to approve the payment of accounts payable. Holtgrave seconded the motion. Motion Carried.

11. COMMUNICATIONS AND PETITIONS

No Report.

12. UNFINISHED BUSINESS

No Report.

13. MISCELLANEOUS BUSINESS

No Report.

14. NEW BUSINESS

MOTION- Heiligenstein made a motion to go into executive session prior to adjournment. Albers seconded the motion. Motion Carried. The Board went into executive session to discuss contract negotiations.

RETURN TO REGULAR SESSION

There was no further discussion.

15. ADJOURNMENT TILL MONDAY AUGUST 20, 2012

Heiligenstein made a motion to adjourn. Taylor seconded the motion. Motion Carried.

ATTEST:


